

MAY 3 2005 4:59PM

NO. 1074 P. 2/3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/924,910 Confirmation No. 2863
Applicant(s) : James R. Charlton, et al.
Filed : 08/08/2001
Group Art Unit : 2676
Examiner : Po-Wei (Dennis) Chen
Title : GRAPHIC DISPLAY OF NETWORK PERFORMANCE
INFORMATION
Atty. Docket No. : 1536/SPRL107520 (originally 00,283)
Customer No. : 32423

RECEIVED
CENTRAL FAX CENTER

MAY 03 2005

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION
37 C.F.R. 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the U.S. Patent and Trademark Office on the date
shown below to the examiner's fax phone number indicated in
the Office Action of 1/27/05 (703-872-9306):

5-3-05
Date (05/03/2005)

Michael R. Seachara
Signature

NOTICE OF APPEAL

Dear Sir:

It was Applicants' understanding that during the Telephonic Interview of 03/22/05 Applicants reached agreement with the Office that Baker was nonanalogous art. Although an issue existed as to whether the Amendment could be entered and considered in light of it being an After-Final Amendment, Applicants were unaware that the Office still considered Baker analogous art. The Advisory Action of 04/25/05 indicates that the AF Amendment was entered, but that claims 1-3, 5-14, and 16-22 stand rejected because the Office does not consider Baker nonanalogous art.

Accordingly, Applicants hereby appeal to the Board of Appeals from the decision dated January 27, 2005 finally rejecting all claims (1-25) to address this and other rejections of various claims.

05/05/2005 CNGUYEN 00000083 192112 09924910

01 FC:1401 500.00 DA

1650245v1

Page 1 of 2

PAGE 23 * RCVD AT 5/3/2005 5:42:24 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-1/4 * DNIS:8729306 * CSID: * DURATION (mm-ss):01-12

05/10/2005 KHARLING 00000001 192112 09924910

01 FC:1251 120.00 DA

MAY 3 2005 5:00PM

NO. 1074 P. 3/3

Application No. 09/924,910
Response dated May 3, 2005
Appeal Brief

A timely response to the final rejection was filed on 03/23/05.

The Commissioner is hereby authorized to charge the required \$500 fee as well as any additional fee that may be due, or credit any overpayment, to Deposit Account No. 19-2112.

If there are any issues outstanding, or if the Office has any comments regarding this case, then Applicants would very much welcome a phone call (816-559-2173) from the Examiner to discuss such issues, resolve them, and place this Application in condition for allowance.

Respectfully submitted,



Jesse J. Camacho
Reg. No. 51,258

JJCZ/ms

SHOOK, HARDY, & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
Tel.: 816/474-6550
Fax: 816/421-5547

Attorney Docket No. 1536/SPRL107520